

CITY OF SAN ANTONIO
 DEPT. OF PLANNING
 OFFICE OF DIRECTOR
 JUL 26 AM 6:59



Permit File # 09-07-155

City of San Antonio
Development Services Department
Vested Rights Permit/Consent Agreement
APPLICATION

Permit File: # 09-07-155
Assigned by city staff

Date: _____

☒ **Vested Rights Permit**

☐ **Consent Agreement**

1. All applicable information on application must be legibly printed or typed for processing. If application is completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete subject of application and attach 2 sets of all applicable documents (i.e. this application, Master Development Plan, P.U.D. plan, plat application, approved plat, building permit) along with appropriate fee.

**Note: All Applications must comply with the Unified Development Code (UDC),
Section 35-B124 Vested Rights Determination for the City of San Antonio.**

(a) Owner/Agent: McCombs Family Partners, Ltd.

Phone: (210) 821-6523

Fax: (210) 821-5860

Address: 755 E. Mulberry Ave., Suite 600

City: San Antonio

State: Texas

Zip code: 78212

Engineer/Surveyor: M.W. Cude Engineers, L.L.C.

Address: 10325 Bandera Road

City: San Antonio

State: Texas

Zip code: 78250

(b) Name of Project: Great Northwest Shopping Center

(c) (k) Site location or address of Project and Legal description: North of Camino Rosa between
Culebra Road (FM 471) and Tezel Road; 26.529 Acres being Parcel 4, N.C.B. 15096, San Antonio,
Bexar County, Texas as described in the Bexar County Deeds and Records, Volume 10097, Page 212

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Council District 6 ETJ Over Edward's Aquifer Recharge? () yes (X) no

3. What is the specific Project and the expected use(s) to be created by this Project (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? *Please be aware that the city must understand exactly what this Project is expected to accomplish in order to evaluate this application.*

(d) Total land use, in square feet Approximately 1,155,605 sq. Ft.

(e) Total area of impervious surface, in square feet Approximately 1,097,825 Sq. Ft.

(f) Number of residential dwellings units, by type; NA

(g) Type and amount of non-residential square footage; Approx. 751,145 Sq. Ft. Business Park

(h) Phases of the development, (If Applicable); 4

4. What is the date the applicant claims rights vested for this Project? May 22, 2001

(i) Verified or certified copies of all development permits, contracts, appraisals, reports, correspondence, letters, or other documents or materials upon which the Applicant's claim for vested rights or equitable estoppel is based;

In addition to the required processing as set forth above, an Application for Consent Agreement Approval shall include, but shall not be limited to the following: a timing and phasing plan for the proposed development; a plan for the provision of public facilities and services to the proposed development, by phase; the conditions under which the proposed development will be authorized to proceed; and the conditions under which approvals or permits will lapse or may be revoked. A document shall be considered "verified" or "certified", whether an original or a copy, if it is signed by the official with decision making authority for the permit application."

4 a. What, if any, construction or related actions have taken place on the property since that date?

None

5. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

• PERMIT

Type of Permit: _____ Date of Application: _____

Permit Number: _____ Date issued: _____

Expiration Date: _____ Acreage: _____

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• **MASTER DEVELOPMENT PLAN (MDP)** (Formerly POADP)*

accepted prior to September 1, 1997 are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted after September 1, 1997 are subject to 18 months for the POADP acceptance date.

Name: Great Northwest Shopping Center # 769

Date accepted: 12/15/2003 Expiration Date: 6/15/2005 MDP Size: 26.529 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: _____

(Note: Plat must be approved within 18 months of application submittal date).

• **Approved Plat**

Plat Name: _____ Plat # _____ Acreage: _____ Approval Date: _____

Plat recording Date: _____ Expiration Date: _____ Vol./Pg. _____

(Note: If plat is not recorded within 3 years of plat approval permit rights will expire).

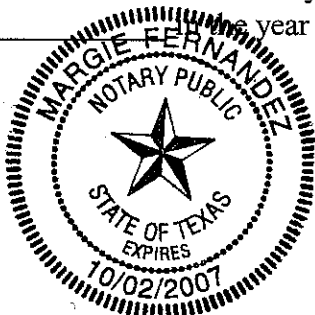
• **Other** Application for POADP No. 769, filed May 22, 2001

NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

I hereby certify that all information this Application and the attached documents is true and correct and that it is my belief the property owner is entitled to Vested Rights for this Project.

Print name: Gary V. Woods Signature: Gary V. Woods Date: 7/12/04

Sworn to and subscribed before me by Gary V. Woods on this 12th day of July year 2004, to certify which witness my hand and seal of office.



Margie Fernandez
Notary Public, State of Texas

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City of San Antonio

Vested Rights Permit
APPLICATION

Permit File: #VRP 04-07-155

Received: August 4, 2004

RECOMMENDATION OF THE CITY ATTORNEY'S OFFICE

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

*Not Subject To Disclosure
Under Any Open Records or Public Disclosure Law*

The City Attorney's Office recommends the Development Services Department decide this application in the following manner:

X Approval X Disapproval o Return to Applicant

Again, this is the recommendation of the City Attorney's Office. It is not and shall not be taken as nor substituted for the decision of the Director of the Development Services Department.

Reviewed By: 
Norbert J. Hart
Assistant City Attorney

Date: September 8, 2004

Comments: Approval/Denial is a fact decision regarding the date of filing of a "complete" application. A fact decision regarding whether an application is complete is a decision made by the Director of Development Services. Depending upon your decision regarding completeness, vested rights may be granted effective May 22, 2001 or December 15, 2003 or any date in between on which you determine the POADP application was complete.

LAW OFFICES OF
KAUFMAN & ASSOCIATES, INC.

1250 Frost Bank Tower
100 West Houston Street
SAN ANTONIO, TEXAS 78205-1457
TELE: (210) 227-2000 FAX: (210) 227-2001
www.kaufmanassoc.com

July 23, 2004

Mr. Michael Herrera
Special Projects Coordinator
Development Services Department
City of San Antonio
1901 South Alamo Street
San Antonio, Texas 78283

VIA HAND DELIVERY

Mr. Norbert Hart
Assistant City Attorney
City of San Antonio
1901 South Alamo Street
San Antonio, Texas 78283

VIA HAND DELIVERY

RE: Vested Rights Permit Application for the Great Northwest Shopping Center
North of Camino Rosa between Culebra Road and Tezel Road
Vested Through Application for POADP No. 769 (May 22, 2001)

Dear Messrs. Herrera & Hart:

Please find enclosed two (2) copies of a Vested Rights Permit Application for the Great Northwest Shopping Center project in north west San Antonio ("Property"), along with two copies of all supporting documentation. Also enclosed is a check for filing fees in the amount of one hundred sixty dollars (\$160). We respectfully request that the City of San Antonio ("City") review this application and acknowledge vested rights for the Property dating from May 22, 2001 based on the application submittal date for the Great Northwest Shopping Center Preliminary Overall Area Development Plan ("POADP"), Number 769.

The Property is located inside Loop 1604 and is bounded by Camino Rosa, Culebra Road, and Tezel Road. It is currently undeveloped. The Property is zoned "C-2", and the project, as indicated on the POADP, will be commercial. Please note that the "C-2" zoning district permits a variety of commercial uses.

The Great Northwest Shopping Center POADP original application was submitted on May 22, 2001. The POADP was accepted on December 15, 2003. Under Chapter 245 of the Texas Local Government Code, development rights vest at the "time the original application for the permit is filed." TEX. LOCAL GOV'T CODE §245.002(a)(West 2004).

In support of the application for a Vested Rights Permit, I have included two (2) copies of each of the following documents and information:

1. Application for POADP Number 769, Great Northwest Shopping Center (May 22, 2001).

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2. Great Northwest Shopping Center POADP, Number 769 (Accepted on December 15, 2003)
3. City of San Antonio Zoning Map, showing property location and current zoning.
4. Bexar County Appraisal District parcel information and map.
5. Bexar Appraisal District Parcel Information for the Property.

Please contact me if there is any additional information, documentation, or exhibits that we can provide that will assist you in your review of this application. I may be reached at 227-2000, extension 17, or via e-mail at robk@kaufmanassoc.com.

Thank you for your assistance in this matter.

Sincerely,

KAUFMAN & ASSOCIATES, INC.

By: _____


Rob Killen

Enclosures

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